

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: Acacia Media Technologies Corp. NO. C 05-01114 JW
NO. M 05-01665 JW

AMENDED JUDGMENT

Pursuant to the Court's October 23, 2009 Amended Order Granting Defendants' Motions for Summary Judgment (hereafter, "October 23 Order," Docket Item No. 354), there has now been an adjudication of all of the claims asserted by Plaintiff Acacia Media Technologies Corp. ("Acacia") against all of the remaining Defendants in this MDL proceeding. The Defendants are: Echostar Satellite LLC, Echostar Technologies Corp., DIRECTV Group, Inc., Time Warner Cable Inc., CSC Holdings, Inc., Hospitality Network, Inc., Cable America Corp., Comcast Cable Communications LLC, Coxcom Inc., Insight Communications Company, Inc., Charter Communications, Inc. (solely to the extent authorized by the Bankruptcy Court), Armstrong Group, Wide Open West LLC, Block Communications Inc., East Cleveland Cable TV and Communications LLC, Massillon Cable TV Inc., NPG Cable Inc., Mid-Continent Media, Inc., US Cable Holdings LP, Sjoberg's Cablevision, Inc., Savage Communications Inc., Loretel Cablevision, Cannon Valley Communications, Inc., Arvig Communication Systems, Cable One, Inc., Mediacom Communications Corporation, Bresnan Communications, Cequel III Communications I, LLC (dba Cebridge Connections), Game Link Inc., ACMP LLC, Cybernet Ventures Inc., Global AVS Inc., National A-1 Advertising Inc., AEBN Inc.,

Ademia Multimedia LLC, Audio Communications Inc., Cyber Trend Inc., Innovative Ideas International, Adult Revenue Service, Lightspeed Media Group Inc., New Destiny Internet Group LLC, VS Media Inc., Offendale Commercial Limited BV, AskCS.com, Inc., and International Web Innovations Inc. (collectively referred to in this Judgment as “Defendants”).

First, for the reasons set forth in the October 23 Order, with respect to Defendants’ counterclaims of invalidity under 35 U.S.C. § 112, ¶ 2 as to U.S. Patent Nos. 5,132,992 (“’992 Patent”), 5,550,863 (“’863 Patent”), 6,002,720 (“’720 Patent”), and 6,144,702 (“’702 Patent”), respectively, judgment is entered in favor of Defendants and against Acacia. The Court declares U.S. Patent Nos. ‘992, ‘863, ‘720, and ‘702 invalid.


Second, for the reasons set forth in the October 23 Order, with respect to Acacia’s claims for infringement and Defendants’ counterclaims for a declaration of non-infringement of the ‘992, the ‘863, the ‘720, and the ‘702 Patents, judgment is entered in favor of Defendants against Acacia. The Court declares that U.S. Patent Nos. ‘992, ‘863, ‘720, and ‘702 not infringed by Defendants.

Third, because Acacia has voluntarily withdrawn all asserted claims of U.S. Patent No. 5,253,275 (“’275 Patent”), judgment is entered in favor of Defendants and against Acacia on Acacia’s claims for infringement and on Defendants’ counterclaims for declaration of non-infringement of the ‘275 patent.

Fourth, Acacia’s state law claims and Defendants’ remaining counterclaims are dismissed without prejudice.

The Court declares that Defendants are the prevailing parties and are entitled to recover costs of suit. Accordingly, the Court finds that there is no just reason for delay of entry of final judgment in favor of Defendants and against Plaintiff Acacia. This is a full and final adjudication of all issues before this Court.

Dated: November 5, 2009



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: November 5, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers

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